

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

APPLE INC. and NeXT SOFTWARE
INC. (f/k/a NeXT COMPUTER, INC.),

Plaintiffs,

V.

MOTOROLA, INC. and MOTOROLA
MOBILITY, INC.

Defendants.

Case No. 10-cv-662-bbc

JURY TRIAL DEMANDED

**DECLARATION OF CARLOS A. RODRIGUEZ IN SUPPORT OF
MOTOROLA'S RESPONSIVE CLAIM CONSTRUCTION BRIEF**

I, Carlos A. Rodriguez, declare as follows:

1. I am a member of the bar of the State of New York and am admitted to practice *pro hac vice* before this Court. I am an associate with Quinn Emanuel Urquhart & Sullivan LLP, attorneys for Defendants Motorola Solutions, Inc. and Motorola Mobility, Inc. ("Motorola"). I make this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

2. All exhibits attached hereto are cited in Motorola's Responsive Claim Construction Brief.

3. Exhibit 1 is a true and correct copy of excerpts of the prosecution history of U.S. Patent No. 6,275,983.

4. Exhibit 2 is a true and correct copy of excerpts of the prosecution history of U.S. Patent No. 6,212,575.

5. Exhibit 3 is a true and correct copy of excerpts from the transcript of the deposition of Bertrand Serlet, taken on November 16, 2010, in the matter of *Certain Personal Data And Mobile Communications Devices And Related Software*, USITC Inv. No. 337-TA-710.

6. Exhibit 4 is a true and correct copy of e-mail correspondence sent on July 4, 2011 by Richard Erwine, counsel for Motorola, to Christine Haskett, counsel for Apple Inc. and NeXT Software, Inc.

7. Exhibit 5 is a true and correct copy of excerpts of the prosecution history of U.S. Patent No. 6,175,559.

8. Exhibit 6 is a true and correct copy of excerpts from the unedited, draft transcript of the deposition of Leonard Cimini, Ph.D., taken on July 13, 2011.

9. Exhibit 7 is a true and correct copy of pages from The American Heritage College Dictionary (3d ed. 1993).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed July 15, 2011, at New York, New York.

/s/ Carlos A. Rodríguez